

Department of Permits and Development Management  
111 West Chesapeake Avenue  
Towson, Maryland 21204

In the Matter of

Civil Citation No. 77988

James L. Cooper  
Lisa M. Cooper

319 Magnolia Terrace

Respondents

FINDINGS OF FACT AND CONCLUSIONS OF LAW  
FINAL ORDER OF THE CODE ENFORCEMENT HEARING OFFICER

This matter came before the Baltimore County Code Enforcement Hearing Officer on July 21, 2010, for a Hearing on a citation for violations of the Baltimore County Code (BCC) section 12-7-310, 312; Baltimore County Zoning Regulations (BCZR) section 101, 120.1, 1B01.1A, 1B01.1D, failure to cease use of the property as an open dump on residential property zoned DR 10.5 known as 319 Magnolia Terrace, 21221.

On June 21, 2010, pursuant to § 3-6-205, Baltimore County Code, Inspector Christina Frink issued a Code Enforcement & Inspections Citation. The citation was sent to the Respondent by 1<sup>st</sup> class mail to the last known address listed in the Maryland State Tax Assessment files.

The citation proposed a civil penalty of \$600.00 (six hundred dollars).

The Respondent failed to request a Code Enforcement Hearing and/or failed to appear after requesting a Hearing. Baltimore County Code, § 3-6-205(d) provides that in case of failure to request a Code Enforcement Hearing or if the violator (Respondent) fails to appear after requesting a Hearing then the citation and the civil penalty, shall be the Final Order of the Code Official not subject to appeal.

After proper consideration of all the evidence presented, the Hearing Officer finds:

A. A Correction Notice was issued on May 19, 2010 for removal of open dump/junk yard, remove trash and debris, remove untagged/inoperative motor vehicle, cut and remove tall grass and weeds, store garbage in cans with tight lids. This Citation was issued on June 21, 2010.

B. Photographs in the file of this end-of-row townhouse show household items, junk, trash and debris piled in the rear yard, including an old tire, lumber, and cardboard boxes. This violates prohibitions against the accumulation of junk, trash and debris on residential property, and prohibitions against creation of possible harborage for rats. BCC Section 13-4-201, Section 13-7-309, Section 13-7-310.

C. Notes in the file state that the grass was cut in June 2010 by a County contractor, at the property owner's expense, after the Correction Notice was not complied with. The untagged vehicle was removed by the property owner. Because compliance is the goal of code enforcement, the civil penalty will be reduced if the remaining violations are corrected within the time provided below. If the violations are not corrected, the County will be authorized to remove all junk, trash and debris, at the property owner's expense.

IT IS ORDERED by the Code Enforcement Hearing Officer that a civil penalty be imposed in the amount of \$500.00 (five hundred dollars).

IT IS FURTHER ORDERED that the civil penalty will be REDUCED to \$100.00 (one hundred dollars) if the violations are corrected by August 11, 2010, with all junk, trash, and debris removed from the yard and deck.

IT IS FURTHER ORDERED that after August 11, 2010, the County may enter the property for the purpose of removing all junk, trash and debris, at the expense of the property owners.

IT IS FURTHER ORDERED that if not paid within thirty days of billing, the civil penalty AND any expenses incurred by Baltimore County, as authorized above, shall be imposed and placed as a lien upon the property.

IT IS FURTHER ORDERED that the County inspect the property to determine whether the violations have been corrected.

ORDERED this 29<sup>th</sup> day of July 2010

Signed: ORIGINAL SIGNED  
Margaret Z. Ferguson  
Baltimore County Hearing Officer

MZF/jaf